

Appl. No. : **10/642,980**
Filed : **August 18, 2003**

REMARKS

The foregoing amendments and the following remarks are responsive to the January 4, 2007 Office Action. Claims 10-12, 16-18, 22, 23, and 27-40 remain pending in the present application, Claims 10, 12, 16, 17, 22, 23, and 27 having been amended, Claims 1-9, 13-15, 19-21, and 24-26 having been canceled, and Claims 28-40 having been newly added.

In response to the Office Action mailed January 4, 2007, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

All Pending Claims Fully Comply With 35 U.S.C. § 112

Claims 1-17 were rejected under 35 U.S.C. § 112 second paragraph, the Examiner maintaining that the language therein is indefinite. In particular, the Examiner indicates that Claim 1 recites, among other recitations, "the working media" in line 3, and that this limitation has an insufficient antecedent basis. The Examiner states that Claims 2-17 are rejected as depending from Claim 1. Applicant respectfully traverses this rejection.

However, to expedite the prosecution of the present application, Applicant has canceled Claim 1 and amended Claims 10, 12, 16, and 17 to be in independent form. Thus, the rejection of Claim 1 is now moot. Applicant submits that the amended Claims 10, 12, 16, and 17 fully comply with 35 U.S.C. § 112 second paragraph. Applicant further submits that none of the above amendments made to Claims 10, 12, 16, and 17 have narrowed the claim language. Thus, all of the equivalents of the original recitations in these claims are also equivalents of the now recited recitations.

As described herein, Applicants have canceled Claims 1-9 and 13-15 without prejudice. Claim 11 depends from amended Claim 10. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 10-12, 16, and 17 under 35 U.S.C. § 112 second paragraph, and pass these claims to allowance.

Stachurski Does Not Disclose the Energy Conversion Device Recited By Claims 1-9, 13-15, 19-21, and 24-26

Claims 1-9, 13-15, 19-21, and 24-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stachurski (U.S. Patent No. 4,125,122) ("Stachurski"). Applicant respectfully traverses the present rejection. However, to expedite the prosecution of the present application,

Appl. No. : **10/642,980**
Filed : **August 18, 2003**

Applicant has canceled without prejudice or disclaimer Claims 1-9, 13-15, 19-21, and 24-26 to expedite issuance of the remaining claims. Applicant also expressly reserves the right to further prosecute these claims through continuation practice.

Rejection of Claims 10-12, 16-18, 22, 23, and 27 under Nonstatutory Double Patenting

Claims 10-12, 16-18, 22, 23, and 27 stand rejected under the judicially-created doctrine of obviousness-type double patenting. Applicant respectfully traverses the present rejection. However, to expedite issuance of the rejected claims, Applicant is submitting herewith two Terminal Disclaimers over U.S. Patents Nos. 7,111,465 and 6,948,321. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of Claims 10-12, 16-18, 22, 23, and 27 and pass these claims to allowance.

Comments on New Claims 28-40

Applicant has added new Claims 28-40. Claims 28, 32, 33, 35, and 36 depend from amended Claim 10. Claims 29-31 depend from Claim 28. Claims 34 and 37 depend from Claim 33. Claim 38 depends from amended Claim 12. Claim 39 depends from amended Claim 22. Claim 40 depends from Claim 18, which depends from amended Claim 17. Applicant submits that each of Claims 28-40 is fully supported by various portions of the originally-filed application, including but not limited to Figures 11 and 16, and paragraphs 21, 136, and 141 of the published application, so these claims do not add new matter. Applicant respectfully requests that the Examiner consider the patentability of these new claims.

SUMMARY

For the reasons described above, Applicant respectfully request the Examiner withdraw the rejection of the claims and pass Claims 10-12, 16-18, 22, 23, and 27-40 to allowance.

The undersigned has made a good faith effort to respond to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

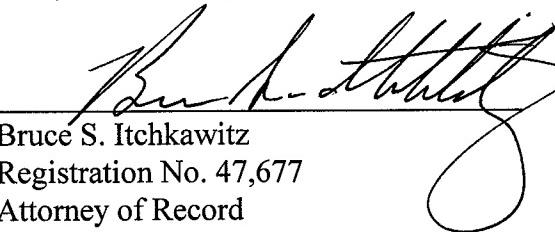
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Appl. No. : 10/642,980
Filed : August 18, 2003

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/4/07

By: 
Bruce S. Itchkawitz
Registration No. 47,677
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Customer No. 20,995
(949) 760-0404

3725752